

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:24-cv-00112-MR**

JONATHAN ANTHONY LEE TORRES, )  
Plaintiff, )  
vs. )  
NORTH CAROLINA DEPARTMENT )  
OF PUBLIC SAFETY, et al., )  
Defendants. )  
\_\_\_\_\_  
ORDER

**THIS MATTER** is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Marion Correctional Institution.<sup>1</sup> [Doc. 1]. On November 5, 2024, the Court dismissed the Complaint on initial review in part with prejudice as time-barred, and in part without prejudice. [Doc. 9]. The Court granted the Plaintiff 30 days in which to amend. [Id.]. The Plaintiff was cautioned that, “[s]hould Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice.” [Id. at 13].

<sup>1</sup> The Plaintiff was no longer incarcerated when he initiated this action.

The Plaintiff has not amended his Complaint, and the time to do so has expired. It appears that the Plaintiff may have abandoned this action and the Court is unable to proceed. Accordingly, this action is dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

Signed: December 30, 2024



Martin Reidinger  
Chief United States District Judge

